

Minutes Meeting of May 3, 2006 – Atwood, Pineridge

Members Present: Stuart Schulman, Chase Duffy, Jay Prager, Cindy Maxwell, Mark Mulligan

The Chairman convened the Atwood hearing by reading the Legal Notice.

The applicant was present and submitted photos of the property, noting that the leach field is in front, a retaining wall is to the side and the rear is very hilly. He said that the left side is the only location for a pool, noting that the tree shown in the back is being cut down and the pool will go there. He said that the tree is half dead and will be cut down regardless of whether the pool will go there. He noted that there will be fencing all around the pool.

Discussion ensued regarding the exact location of property.

The Chairman asked whether the pool was above ground.

The applicant said that the pool is above ground and will have decking only that comes with the pool kit. He said that Lou Gaskins is the most affected neighbor and her garage will be a barrier.

Ms. Gaskins asked what her responsibility is if something goes awry with the pool.

Mr. Mulligan said that Mr. Atwood would have legal responsibility if anything happened, ie the sides burst and there was flooding.

Mr. Prager felt that if he biased the pool towards the house, maybe the setbacks could be met.

Mr. Atwood said that there isn't fifteen feet from the house to where the steep grades begin. He said that the existing deck is about ten feet wide and noted if there were better setbacks, the pool would abut the house and rain would run into it.

Mr. Mulligan asked about a privacy fence.

Mr. Atwood said that there would be one.

Mrs. Duffy asked about the likelihood of a break in the pool liner.

Mr. Atwood said that the pools he is looking at have 40 to 50 year guarantees so he feels that it would be unlikely to break.

Mr. Mulligan said that he has no problem if the abutter is okay with it.

Ms. Gaskins said that she doesn't object but noted that she doesn't know a lot about the situation.

She stressed that she doesn't want to rain on someone's parade.

Mrs. Duffy said that the fence should be between Ms. Gaskins property as well as Rt. 119.

Discussion ensued regarding potential decking.

The Board moved to grant a variance to allow an above ground pool to be setback 4.5 feet from the side boundary and with proper privacy fencing installed between the applicant's property and Ms. Gaskins' property.

The motion was seconded and passed unanimously.

The Hicks hearing was reconvened and the Chairman read Megan Mahony's letter into the record regarding conflict.

Mr. O'Connell said that Atty. Deschenes and Chris Lorraine of Landtech are not present so the meeting will be short. He said that he is waiting to hear from other boards before he finalizes the plans.

Discussion ensued regarding whether a road can be on a leaching field.

Mr. O'Connell said that National Heritage will be addressed when all engineering plans are completed.

Ms. Helpern said that the cutoff date for filing with DEP/Nat. Heritage is very soon or has passed.

Mr. O'Connell said that Atty. Deschenes is well aware of what He said that he also has been in contact with a traffic engineer to address the changes if they are okay with the town.

The Chair read all memos into the record, from Con. Comm, BOH, PB and abutter Chris Petroff. The Chair said that the general note is that drainage is an issue.

Mr. O'Connell said that he is bringing in fill is the way to address this.

Two board members noted concern that the leach field is being covered by asphalt.

The Chairman said that JNEI needs to address a full engineering plan.

Mr. O'Connell said that drainage was a problem because the pipes had to be raised and the first developer wouldn't bring in fill to raise the houses in Partridgeberry Woods. He stressed that this is not the case here.

Mrs. Western asked where the drainage is going to run off.

Mr. O'Connell said that it will stay on site.

Questions from abutters were concerning runoff and/or stormwater management systems.

Mrs. Perkins, PB, said that part of this needs to see where the water normally flows when the land is built up, and where the water goes pre-build up. She said that this may not provide more runoff but it also may prevent water from being able to go where it can drain around the site.

Mr. Western said that the neighbors need to be considered about how much fill is being brought in to raise the site.

Chris Petroff, abutter, noted that the streets were raised for sewers in Partridgeberry Woods, making some streets become dams and stressed that there is flooding for most of the year. He said that because the water table will be raised, already flooded areas in Partridgeberry will get more water from Pineridge.

Mrs. Perkins said that these drainage issues that need to be addressed by the engineers. She also noted that any fill brought in needs to be tested by the BOH.

Another abutter expressed concern about density, noting that the development has shifted to the left side of the parcel because of wetlands. She said that the PB said that only ten units are allowed on dead end roads.

The Chairman said that this was addressed during a prior 40b and because this is a 40b, subdivision rules don't apply.

Discussion ensued regarding whether Jenkins road is technically a dead end road.

Mr. O'Connell gave a brief history of how he arrived at this figure. He said that he had originally talked of donating the existing house to the town for relocation.

Mr. Prager said that it is hard to judge the density truly without a real economic picture, noting that he feels the density is high.

Mr. O'Connell said that the economics for this project aren't good.

Mr. Prager said that he questions what is the minimum density that is economic. He said that he can only now look at what is in front of the board now.

Mr. O'Connell said that the profit they will make on this will be small.

Discussion ensued regarding what happens if the existing home is kept.

The Board noted that a new pro forma must be submitted, noting that that it is only fair to the town, the ZBA and the developer.

Mrs. Perksin said that it is more than economics but also what the land will tolerate, as well as the roadway. She stressed that 32 units is too dense because of the water being put in and the septic system. She said that what needs to happen to the land to deal with drainage, runoff and traffic is important also.

Mr. Prager asked how the project can be brought to minimum density and still make a profit under 40b guidelines.

Mr. O'Connell said that the original pro forma profit was about 17% for 44 units, and noted that he would consider single family homes.

An abutter noted that it is ridiculous that this 40B is what is being considered for this neighborhood.

Mr. O'Connell said that 40B is part of Mass Law, noting that he will address density, drainage and the possibility of single family homes.

Ms. Helpen said that she is concerned about buffering, noting that it should figure into the drainage numbers and doesn't want it to be forgotten.

Chris Harvey expressed concern about endangered species, noting that this is the time of year to test. He asked whether this testing would need to be done next year if not done now.

The Chairman said that it would be put off for a year if necessary.

Mr. Western asked about the pro forma.

The Chairman said that it is a good idea to redo it.

Mrs. Collette said that Mr. Hicks has done two projects in town and in each of the developments he did a fine job following the town's rules and regs. She stressed that he should present something that the town can be proud of as well as Mr. Hicks. She said that she thinks they can come up with a plan that fits in with the neighborhood better so that everyone can feel good about it.

Mr. O'Connell noted that when a 40b project is built, there cannot be discrimination as to what the outside looks like.

Mrs. Collette said that a project that contains two or three units can look like a large single family house.

Mr. Clemens said that it is good to deal with environmental issues right up front.

Mr. O'Connell asked about single family dwellings and asked abutters what would satisfy them.

Ms. Helpern said that she wants figures along with plans.

Mrs. Duffy noted that before Shaw's there was Lonestar and a plan with tiny single family homes.

Of note: Title V plans need to be submitted and followed.

Mrs. Sartini asked whether there any deadlines for action.

The Board noted that there is not as long as the project is moving forward.

Mr. Clemens asked whether building single family homes could be an option.

Mr. O'Connell said that they would look at that possibility. He also wondered if they could by-pass the 40B process and create discriminating dwellings.

Mrs. Collette suggested that 50% affordable 55+ by-law could be used.

The Board moved and seconded to continue Pineridge to 6/7/06 at 7:30 pm.